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SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. CISSE (Senegal)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued) (A/49/57 and Corr.1, A/49/58, A/49/75-S/1994/180; A/49/182, 206, 220, 221, 265, 271, 282, 283 and 286; A/49/287 and Corr.1-S/1994/894 and Corr.1; A/49/292, 298, 304, 386, 422, 532 and 591)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/49/36, A/49/188, A/49/228-S/1994/827, A/49/264-E/1994/113; A/49/293, 311, 321, 337, 366, 410, 415, 416, 512, 528, 545, 582, 595 and 675; A/C.3/49/5, 9, 11 and 17)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/C.3/49/5, 8 and 10)

1. Mr. SAKONHNINHOM (Lao People's Democratic Republic) drew attention to the need to refrain from using the question of human rights in order to achieve political objectives. While no one disputed the universal nature of human rights, it was necessary to take account of the historical, cultural, religious and social situations of each country in order to ensure the effective implementation of such rights. It was also important to underscore the indivisibility and interdependence of civil and political as well as economic, social and cultural rights. Stressing the implementation of some rights at the expense of others did not serve the cause of the overall promotion of human rights, which must be based on the principles of impartiality, non-selectivity and objectivity.

2. His delegation welcomed the recognition of the right to development as an inalienable right as well as the establishment of the Working Group on the Right to Development by the Commission on Human Rights and hoped that the Working Group would submit as soon as possible for the consideration of the General Assembly effective national and international measures to promote the full implementation of that right.

3. Since the founding of the Lao People's Democratic Republic in 1975, his country had enjoyed political stability and social tranquillity. The Lao Constitution, adopted in 1991, established a people's democracy and provided safeguards to protect various democratic rights and freedoms, including the right of individuals to own property and freedom of religion, expression and association. In 1992, his Government had established a national committee for

mothers and children, which was currently preparing a report on the status of Lao mothers and children.

4. At the present time, the Lao population was generally confident about its future and was participating with enthusiasm in the country's social and economic development. Although much remained to be done, progress had been made in many fields and greater efforts would be made to achieve further success in the future. Lastly, his delegation welcomed the establishment of the post of High Commissioner for Human Rights and hoped that the High Commissioner would be able to carry out his work effectively.

5. Mr. HASHIM (Bangladesh) said that the World Conference on Human Rights had upheld the right to development as a basic human right and a catalyst reinforcing the relationship between democracy, development and human rights. Special emphasis should therefore be placed on the right to development in drawing up strategies for implementing the Vienna Declaration and Programme of Action. Since poverty, disease, illiteracy and unemployment were serious impediments to the universal realization of human rights, it was imperative to adopt result-oriented poverty alleviation and sustainable development programmes on a priority basis.

6. Although promoting welfare and respect for human rights was primarily the responsibility of individual States, international initiatives based on collective responsibility were also necessary in that field. The elimination of obstacles to social and economic progress in developing countries through pragmatic domestic policies and adequate external support was vital for the full implementation of the recommendations set forth in the Vienna Declaration and Programme of Action. His delegation was confident that the United Nations, in keeping with its objective of promoting comprehensive development, would continue to make a meaningful contribution to the attainment of that objective.

7. Mr. FLORES OLEA (Mexico) said that his delegation strongly supported the work of the High Commissioner for Human Rights and was concerned at the fact that his efforts were being impeded by the limited resources at his disposal. That situation should be carefully considered with a view to eliminating the obstacles preventing him from fully carrying out his mandate.

8. The human rights situation in the world was not encouraging. Bloody inter-ethnic conflicts had once again broken out and there was an increase in violence, racism and xenophobia in various parts of the world. Migration was a growing phenomenon in an increasingly interdependent world, where there were still enormous differences in levels of development. It did not seem that effective measures were being taken to arrest the spread of racist and xenophobic practices. The adoption of Proposition 187 in the state of California was alarming and represented a serious set-back in that regard. His Government had repeatedly expressed its opposition to that initiative because it clearly violated the most basic human rights of migrant workers and their families set forth in various international legal instruments.

9. His delegation stressed the need for a commitment by Governments and the international community to protect the rights of migrant workers and their families and hoped that the High Commissioner would continue to give special attention to that problem. The speedy entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would represent an important contribution to that effort. As in previous years, his delegation would submit a draft resolution to promote the entry into force of that valuable legal instrument.

10. The Organization had the important task of promoting ways to strengthen international cooperation in the field of human rights on the basis of the Charter and the various international human rights instruments. Only if that task were accomplished would it be possible to cope with the serious deterioration of the human rights situation in the world.

11. Mr. MAZLAN (Malaysia) said that the report of the High Commissioner for Human Rights (A/49/36) provided a clear view of his strategy for the promotion and protection of all human rights. Malaysia noted with satisfaction the statement in paragraph 8 of the report that the High Commissioner had committed himself to carry out his functions with strict respect for the mandate, framework and guidance provided by the General Assembly. In that connection his delegation maintained that no attempts should be made to incorporate provisions aimed at broadening his mandate in draft resolutions. His delegation noted with interest the activities of the High Commissioner aimed at enhancing international cooperation and coordination of human rights activities. The High Commissioner's participation in the discussions of the Administrative Committee on Coordination was a practical way of pursuing that objective and would also ensure that the human rights dimension would be taken into account in all United Nations activities.

12. While agreeing that the Special Rapporteurs had an important function in the implementation of human rights principles, Malaysia did not believe that any one mechanism or procedure should be considered as the sole means of promoting and protecting human rights. Alternative approaches should be sought, and duplication by human rights mechanisms should be prevented. Although his delegation fully appreciated the measures that had been taken to improve the human rights situation in Rwanda, it wondered whether those efforts could not have been undertaken by one person, so as to avoid duplication of effort, and whether the appointment of a Special Rapporteur was the appropriate action to be taken, since the High Commissioner had indicated that a group of 147 human rights monitors was needed in Rwanda.

13. Malaysia noted with interest the High Commissioner's participation in the fifth meeting of persons chairing the human rights treaty bodies. In that connection, he stressed that States should be allowed to proceed at their own pace in ratifying or acceding to human rights instruments and that the right to express reservations to those instruments should remain as long as those reservations did not undermine the objectives of the conventions concerned.

14. The Charter did not provide for the involvement of the Security Council in situations relating to human rights violations. The Security Council, as everyone was aware, was unable to enforce its own resolutions and decisions involving threats to international peace and security. That was evident from the case of Bosnia and Herzegovina. The notion that the treaty bodies should be allowed to draw the attention of the Security Council through the Secretary-General to situations of human rights violations was unprecedented and such a course would circumvent the existing human rights mechanisms.

15. His delegation was pleased with the High Commissioner's recognition of the importance of the right to development and its relation to the protection of economic, civil and cultural rights. The promotion and protection of all human rights must be equally emphasized, and selectivity in promoting human rights should be avoided. Malaysia was disappointed and concerned at the fact that the Secretary-General had yet to issue his report on the implementation of the Declaration on the Right to Development, as requested in General Assembly resolution 48/130. Although the implementation of economic, social and cultural rights might be expensive and difficult, they should be promoted on an equal basis with civil and political rights. It must be accepted that developing countries faced impediments in the implementation of economic, social and cultural rights, including the right to development. Countries in the forefront of promoting human rights should therefore strengthen their commitment to international development cooperation.

16. His delegation commended the High Commissioner for emphasizing as a priority the need to eliminate discrimination in promoting and protecting human rights. The elimination of discrimination against women and other marginalized groups should be a priority in efforts to build an inclusive and caring society. Tolerance was an essential element in respect for human rights and helped to strengthen democracy. Accordingly, his delegation welcomed the proclamation of 1995 as the United Nations Year for Tolerance and the proposals for a plan of action for a United Nations decade for human rights education.

17. Malaysia recognized the need to provide the High Commissioner and the Centre for Human Rights with the necessary resources to enable them to carry out their mandates. At the same time, it was necessary to adapt and strengthen the human rights machinery of the United Nations in a logical manner. While recognizing the mandate of the High Commissioner, Malaysia also underscored the important role of intergovernmental efforts in adapting and strengthening human rights machinery, including the Commission on Human Rights and the Centre for Human Rights. Lastly, he stressed that discussion of the question of promoting and protecting human rights should be impartial, objective and non-selective and should be guided by the principles of justice and equity.

AGENDA ITEM 95: SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/49/4/Rev.1 and Corr.1)

18. The CHAIRMAN said that he took it that the Committee wished to approve the provisional rules of procedure for the World Summit for Social Development as contained in documents A/C.3/49/4/Rev.1 and Corr.1.

19. It was so decided.

20. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 95.

AGENDA ITEM 99: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/49/380 and Add.1 and A/49/534; A/C.3/49/L.16, L.17/Rev.1, L.18/Rev.1 and L.19)

Draft resolution A/C.3/49/L.16

21. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/49/L.16 entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" and said that it had no programme budget implications.

22. Ms. MANIMEKALAI (India) said that her delegation wished to join the sponsors and thought that paragraph 2 should be reworded to refer to "the three" additional members.

23. Draft resolution A/C.3/49/L.16, as orally revised, was adopted.

24. Ms. WADE (United States of America), explaining her delegation's position, said that while the United States delegation had joined in the consensus to admit three additional members to the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR), it felt that the time had come to establish criteria for membership in order to maintain a strong sense of cooperation among members. Any State seeking membership should have ratified the Convention or Protocol relating to the Status of Refugees. Another useful criterion might be that the State should have facilitated the work of the High Commissioner by contributing in cash or in kind or by serving as a host country for refugees. Discussion of admission criteria should start in the Executive Committee itself, which could forward to the Economic and Social Council any recommendations on which it reached a consensus.

25. Mr. FITSCHEN (Germany), speaking on behalf of the European Union and acceding countries Austria, Finland, Norway and Sweden, said that while he had supported the consensus, he felt that some criteria should be established for membership on the UNHCR Executive Committee in view of its important role in developing the general policies underlying refugee programmes. States seeking membership should have demonstrated "devotion to the solution of the refugee

problem", to use the words contained in paragraph 5 of General Assembly resolution 1166 (XII). All present and future members should ratify the 1951 Convention or the 1967 Protocol relating to the Status of Refugees and facilitate the work of UNHCR.

Draft resolution A/C.3/49/L.17/Rev.1

26. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/49/L.17/Rev.1, entitled "Assistance to unaccompanied refugee minors", and said that it had no programme budget implications.

27. Mr. SIDDIG (Sudan), speaking on behalf of the sponsors listed in the document, announced that they had been joined by the Comoros, France, Georgia, Mauritius, the United States of America and Yemen and had made several changes in the text. The words "return to and" should be inserted before the word "reunification" in the fifth preambular paragraph. Paragraph 1 should be revised to read: "Expresses its deep concern at the plight of unaccompanied refugee minors and emphasizes the need for their early identification and for timely, detailed and accurate information on their number and whereabouts;". In paragraph 2, the words "return to and" should again precede "reunification", and the entire phrase after "with their families" should be deleted. In paragraph 3, the words "to take appropriate steps" should be inserted before "to mobilize resources". There were a number of minor drafting changes to paragraph 4. The words "within existing resources" should be inserted after "assistance" in paragraph 5.

28. Mrs. KABA (Côte d'Ivoire) said that her delegation wished to join the sponsors of the draft resolution.

29. The CHAIRMAN announced that Angola, Guinea, Mauritania, Nigeria and Turkey had also joined the sponsors.

30. Draft resolution A/C.3/49/L.17/Rev.1, as orally revised, was adopted.

Draft resolution A/C.3/49/L.18/Rev.1

31. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/49/L.18/Rev.1, entitled "Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements", and reported that it had no programme budget implications. He announced that Austria, Denmark, Finland, Germany, Hungary, Iceland, Iran, Italy, Latvia, Morocco, the Netherlands, Norway, Sweden and the United Kingdom had joined the sponsors.

32. Ms. NEWELL (Secretary of the Committee) read out the oral revisions made to the text by the Russian Federation at the Committee's 41st meeting, involving minor drafting changes to the second preambular paragraph and paragraphs 1 and 2, deletion of paragraph 3 and consequent renumbering of paragraph 4.

33. Draft resolution A/C.3/49/L.18/Rev.1, as orally revised, was adopted.

Draft resolution A/C.3/49/L.19

34. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/49/L.19, entitled "Assistance to refugees, returnees and displaced persons in Africa", and reported that it had no programme budget implications.

35. Ms. NEWELL (Secretary of the Committee) read out the oral revisions made to the text by Ghana at the Committee's 34th meeting. They involved minor drafting changes to the third from the last preambular paragraph.

36. Draft resolution A/C.3/49/L.19, as orally revised, was adopted.

37. The CHAIRMAN suggested that the Committee should take note of the Secretary-General's report on emergency international assistance to refugees and displaced persons in Azerbaijan (A/49/380 and Add.1) and his report on an international conference on Central American refugees (A/49/534).

38. It was so decided.

39. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 99.

AGENDA ITEM 101: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/49/L.21/Rev.1)

Draft resolution A/C.3/49/L.21/Rev.1

40. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/49/L.21/Rev.1, entitled "Protection of children affected by armed conflicts", and reported that there were no programme budget implications. He announced that Angola, Côte d'Ivoire, Egypt, France, Morocco, Mozambique, the Niger, Nigeria, Pakistan, Portugal, Senegal and Spain wished to join the sponsors of the draft resolution.

41. Ms. KEPPLER (Austria) said that her delegation would also like to join the sponsors.

42. Draft resolution A/C.3/49/L.21/Rev.1 was adopted.

AGENDA ITEM 103: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/C.3/49/L.25* and L.26)

Draft resolution A/C.3/49/L.26

43. Ms. TOMKINSON (Australia), introducing draft resolution A/C.3/49/L.26, entitled "International Decade of the World's Indigenous People", said that the sponsors listed in the document had been joined by Antigua and Barbuda, Finland and the Marshall Islands. The draft resolution was based on General Assembly resolution 48/163 establishing the decade and decision 1994/26 of the Commission on Human Rights which proposed ideas for observing it. The draft resolution

offered specific suggestions on how Governments and the United Nations system should participate in planning for the Decade and stressed the central roles of both the High Commissioner and the Assistant Secretary-General for Human Rights. The sponsors hoped that the draft resolution would be adopted by consensus.

Draft decision A/C.3/49/L.25*

44. The CHAIRMAN invited the Committee to take action on draft decision A/C.3/49/L.25*, entitled "United Nations Voluntary Fund for Indigenous Populations", and reported that there were no programme budget implications. He announced that Bolivia, Ecuador and Nigeria wished to join the sponsors.

45. Mr. KUEHL (United States of America) said that his delegation would also like to join the sponsors of the draft decision.

46. Draft decision A/C.3/49/L.25* was adopted.

The meeting rose at 11.50 a.m.